

Application No.: 09/479,736
Reply to Office Action of January 25, 2006
Amendment Dated March 6, 2006

Remarks:

Status of Claims

Claims 1-9 and 11-41 were previously pending. Claims 1, 12, 14, 20, 21, 27-33, 35-36 and 38 are amended herein, claims 11 and 19 are canceled, and claims 42-56 are new. Thus, claims 1-9, 12-18, and 20-56 are currently pending with claims 1, 14, 21, 24, 27, 35, 38, 42, 46, 49 and 53 being independent.

Interview Summary

On February 17, 2006, Applicant and his attorneys held an in-person interview with Examiner Pezzlo at the United States Patent and Trademark Office in Alexandria, VA. During the interview, the relevance of Kaplan (discussed below) to the present invention was discussed. No agreement was reached regarding the claims. Applicant respectfully thanks Examiner Pezzlo for agreeing to interview the case.

As requested by the Examiner, Applicant provided a proposed set of claims on February 27, 2006, based upon the comments made by Examiner Pezzlo in the interview. The claims included herewith are substantially identical to the proposed claims provided on February 27, 2006.

Office Action

In the Office Action dated January 25, 2006, the Examiner allowed claims 21-26, objected to claims 11, 12, 19, 20, 34, and 37, and rejected claims 1-9, 13-18, 27-33, 35, 36, and 38-41 under 35 USC 102(e) as being anticipated by Kaplan (U.S. Patent No. 6,829,234). Applicant respectfully submits that the amendments and arguments made herein overcome the Examiner's rejections and place all claims in a condition for allowance.

Claims 1-9, 12-18, and 20-26

In the January 25, 2006, Office Action, the Examiner indicated that claims 11 and 19 would be allowable if rewritten in independent form and that claims 21-26 were allowable. By way of this

amendment, the features of claim 11 have been included within independent claim 1 and the features of claim 19 have been included within independent claim 14. Thus, claims 1-9, 12-18, and 20-26 are now in a condition for allowance.

Claims 27-37 and 42-48

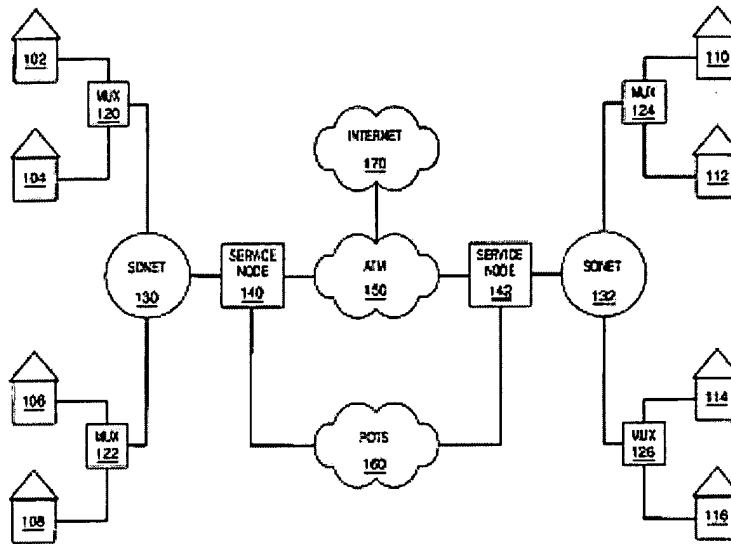
Claims 27 and 35 have been amended herein to generally recite a computer controlled class 5 switch coupled with a PSTN and capable of receiving “a real-time voice communication call **originating** from a telephone coupled with the PSTN” and routing the call to an IP network. New claims 42 and 46 also recite the feature of receiving a “real-time voice communication call **originating** from a telephone coupled with the PSTN.” FIG. 1 of the present application and numerous portions of the specification disclose a central communication network 21 operable to receive a real-time voice communication call from one or more telephones 76, 77, 79 and route the call to the internet 18.

In contrast, Kaplan does not disclose receiving a real-time voice communication call originating from a telephone and routing the call to an IP network. Instead, Kaplan discloses an ATM system that separately routes data and voice (col. 2, lines 8-9). The only data or information Kaplan routes to an IP network (the internet) is data originating from a computer (col. 6, lines 19-21 and col 15, line 64, through col. 16, line 16).

Specifically, Kaplan’s ATM network multiplexes ATM transmissions to route calls originating from a telephone through the PSTN and to route data originating from a computer to the internet. Calls originating from a POTS telephone are converted into ATM format (col. 4, lines 29-34) for transmission to the mux (col 3, lines 41-44). Non-voice traffic (computer data) is also simultaneously transmitted as ATM traffic to the mux (col. 3, lines 45-46).

However, and importantly, Kaplan does not disclose or suggest routing calls originating from a POTS telephone (voice calls) to the internet. Instead, Kaplan is expressly limited to routing “on-net” voice calls (between users connected to the ATM network 150, such as residence 104 and residence 116 shown in FIG. 1, reproduced below for the Examiner’s reference), through “the mux

120, SONET ring 130, service node 140, ATM network 150, service node 142, SONET ring 312, and mux 126" (col. 4, lines 53-60). Thus, an "on-net" call is not routed through the internet 170.



Kaplan (FIG. 1)

Similarly, Kaplan is expressly limited to routing "off-net" voice calls (calls between a user connected to the ATM network 150 and a user connected to the PSTN) through the PSTN network in a "conventional manner" (col. 4, lines 61-64 and col. 15, lines 54-63). Thus, for calls originating from a telephone, Kaplan only converts the calls to ATM format and does not disclose or suggest routing calls through the internet. Nor does Kaplan provide any disclosure or suggestion that the ATM network 150 would be operable for such functionality.

Thus, calls originating from the telephone 210 are routed by the mux 220 only through the PSTN or ATM network (which does not include the internet). Data originating from the computer 214 is routed through the PSTN, to the mux 220, to the ATM network 150, and then to the internet 170. As such, Kaplan separately routes data and voice information utilizing the muxes.

However, the Examiner contends that the computer 214 could be used to send a "call" (such as compressed audio data) through the PSTN, to the mux, and then to the internet. Claims 27 and

35 have been amended herein to further distinguish the present invention from such an interpretation of Kaplan's ATM system. Specifically, as discussed above at length, Kaplan is inoperable to route a "real time voice communication call **originating** from a telephone" to the internet as Kaplan is operable to only route data generated by a computer to the internet. Further, a call originating from a computer coupled with a telephone, such as in a conventional dial-up modem environment, would necessarily originate from the computer and not the telephone. As such, claims 27-37 should now be in allowable condition.

Claims 38-41 and 49-56

New claims 49-56 generally recite receiving a "PSTN format voice call", "packetizing the PSTN format voice call", and routing the packetized call to an IP network. Claim 38 has been amended to recite a telephone operable to provide depacketized voice information and a gateway operable to packetize the voice information and provide the voice information to a computer controlled switch for routing to an IP network. These features are described at length in paragraphs 0036 and 0037 of the specification. Such functionality facilitates the routing of voice information to the internet by presenting the voice information in an IP network compatible format.

In contrast, Kaplan does not disclose or suggest receiving a PSTN format voice call, packetizing a PSTN format voice call, or routing a packetized voice call to an IP network. As discussed in the preceding section, the only information Kaplan routes to the internet is data provided by a computer in an "internet session." Data provided by a computer is not a "PSTN format voice call" nor is it packetized by Kaplan's ATM network for transmission to the internet. Thus, Kaplan does not disclose or suggest all features of claims 38-41 and 49-56.

Further, calls originating from a telephone coupled with Kaplan's ATM network are not received by the ATM network as a PSTN format voice call, packetized by the ATM network, or routed to the network in any form. Specifically, real time voice communication calls originating from a telephone coupled with Kaplan's ATM network are converted into an ATM format (and not PSTN or packetized formats) for transmission through the ATM network (col. 4, lines 29-34). After

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conversion into the ATM format, Kaplan's voice calls are not packetized or routed to the internet, as they are either retained within the ATM network or forwarded to the PSTN (as discussed above at length).

As should be appreciated by those skilled in the art, ATM is a cell relay network that encodes traffic into small fixed-sized cells, in contrast to packet-switched networks (IP networks such as the internet) that utilize variable sized packets. Thus, the conversion of an analog voice input (originating from a telephone) to an ATM format cannot be considered packetization because ATM networks are not packet based. There is no suggestion or motivation to modify Kaplan to transmit ATM-formatted voice calls through the internet as cell-based formats would be generally incompatible with the internet or any other IP network. Thus, claims 38-41 and 49-56 are now in allowable condition.

Conclusion

Applicant submits that claims 1-9, 12-18, and 20-56 are now in allowable condition and requests a Notice of Allowance. In the event of further questions, the Examiner is urged to call the undersigned. Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

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